IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.33 OF 2004

Abdul Sheikh, Central Jail Aguada ...Petitioner.

Versus

State of Goa
Through the Inspector General of Prisons
and another. ...Respondents.

Mr. V. Pangam, Advocate appointed under the Legal Aid Scheme for the Petitioner(absent).

Mrs. W. Coutinho, Additional Public Prosecutor for Respondents.

CORAM : V.M. KANADE

DATE : 9th June, 2005.

ORAL JUDGMENT:

Heard learned Counsels for the parties. None appears for the petitioner. This is an application filed by the petitioner seeking for parole for a period of 60 days. This application has been filed through Jail and in this application it is stated that his mother is serious and is ailing from several ailments. It is further stated in this application that the petitioner would like to see his new-born daughter and to make arrangements for his family as there is no male member in the family. The petitioner

was convicted under the provisions of Section 304(I) and 323 r/w.34 of the I.P.C. and sentenced to undergo 5 years of rigorous imprisonment and a fine of Rs.2000/- and in default to suffer further simple imprisonment for 3 months. The petitioner has already undergone 2 1/2 years of the said sentence. The State has filed an affidavit in reply in which it is stated that the wife of the victim Mrs. Hasina Bi Sayed has objected to the release of the petitioner on the ground that the petitioner had threatened them of dire consequences after his release from Jail.

In my view this is a fit case for granting parole. The petitioner on an earlier occasion was released on parole and had thereafter surrendered to the police authorities after the parole period was over and at that time no untoward incident had taken place and had complied with the conditions imposed by them while he was granted parole. The apprehension in the minds of the relatives of the victim shall be taken care of by imposing certain conditions on the petitioner after his release from Jail. The petitioner has already undergo 2 1/2 years of the total sentence of 5 years and therefore according to the Rules he is eligible to be released on parole. The Criminal Writ Petition is therefore allowed. Respondents are directed to release the

petitioner on parole for a period of 60 days from the date of his release. The petitioner shall execute a personal bond for an amount of Rs.25,000/-. The petitioner shall report to the Maina-Curtorim Police Station twice in a week. The petitioner shall surrender to the Police Authorities after the period of this 60 days is completed. With these directions the Criminal Writ Petition is allowed.

Expedite copy.

V. M. KANADE, J.

/vpf.